

1 JOSEPH P. RUSSONIELLO (CABN 44332)
2 United States Attorney

3 BRIAN J. STRETCH (CABN 163973)
4 Chief, Criminal Division

5 WADE M. RHYNE (CABN 216799)
6 Assistant United States Attorney

7 1301 Clay Street, Suite 340S
8 Oakland, CA 94612
9 Telephone: (510) 637-3680
10 Fax: (510) 637-3724
11 E-Mail: wade.rhyne@usdoj.gov

12 Attorneys for the United States of America

13 UNITED STATES DISTRICT COURT

14 NORTHERN DISTRICT OF CALIFORNIA

15 OAKLAND DIVISION

16 UNITED STATES OF AMERICA,) No. CR-09-00692 SBA

17 Plaintiff,)

18 v.)

19 SU THANH BUI,)

20 a/k/a "Nam Thanh Bui,")

21 a/k/a "Su T. Bui,")

22 a/k/a "Tuan A. Nguyen,")

23 a/k/a "Tuan Anh Nguyen,")

24 Defendant.)

25 STIPULATION AND PROTECTIVE
26 ORDER RE: DISCOVERY OF
27 PERSONAL AND FINANCIAL
28 INFORMATION

29 OAKLAND VENUE

30 With the agreement of the parties, and with the consent of Defendant Sui Thanh Bui, the
31 Court enters the following order:

32 Defendant is charged with three counts of access device fraud, in violation of 18 U.S.C.
33 §1029(a)(2), and three counts of aggravated identity theft, in violation of 18 U.S.C. §
34 1028A(a)(1). Pursuant to Defendant's request, the United States will produce to counsel for
35 Defendant ("defense counsel") discovery that contains personal identifying information,
36 including social security numbers, birth dates, driver's license numbers, and private financial
37 information, including account numbers, pertaining to the victims in this case. The United States
38

39 PROTECTIVE ORDER
40 CR-09-00692 SBA

1 will designate this material as confidential by marking such material as "CONFIDENTIAL" and
2 shall produce such discovery on a CD or DVD marked "WARNING: CONTENTS SUBJECT
3 TO PROTECTIVE ORDER. UNAUTHORIZED COPYING OR VIEWING IS SUBJECT TO
4 PUNISHMENT AS CONTEMPT OF COURT." Pursuant to Federal Rule of Criminal
5 Procedure 16, the government requests that disclosure of these materials be subject to the
6 following restrictions:

7 1. Except when being actively examined for the purpose of the preparation of
8 Defendant's defense, the materials produced pursuant to this Order by the United States to
9 defense counsel shall be maintained in a safe, and secure drawer, cabinet, or safe which
10 is accessible only to defense counsel, members of his or her law firm who are working with him
11 or her to prepare Defendant's defense, and his or her investigators. Defense counsel, members
12 of his or her law firm, Defendant, and the investigators shall not permit any person access of
13 any kind to the materials or disclose in any manner the Personal Identifying Information of third
14 parties except as set forth below.

15 2. The following individuals may examine the materials produced pursuant to this
16 Order for the sole purpose of preparing Defendant's defense and for no other purpose:

- 17 a) Defense counsel;
- 18 b) Members of defense counsel's law office who are assisting with the
19 preparation of Defendant's defense;
- 20 c) Defendant Sui Thanh Bui, but only in the presence of defense counsel or
21 another authorized person listed in this paragraph, (and Defendant may
22 not take or maintain notes regarding the Personal Identifying Information
23 of any victims in this case); and
- 24 d) Investigators retained by Defendant to assist in Defendant's defense.

25 If defense counsel determines that additional persons are needed to review the material, he or she
26 must obtain a further order of the Court before allowing any other individual to review the
27 material.

28 3. A copy of this order shall be maintained with the documents at all times.

1 4. No other person may be allowed to examine the materials produced pursuant to
2 this Order without further court order. Examination of the materials shall be done in a secure
3 environment which will not expose the materials to other individuals not listed above.

4 5. Documents such as word processing files, e-mails, and other text files may be
5 duplicated to the extent necessary to prepare Defendant's defense.

6 6. Any pleadings that reveal the Personal Identifying Information of third parties,
7 either by attaching copies of documents containing that information or referencing that
8 information, shall be redacted to prevent the disclosure of such information or filed under seal.

9 7. Within five court days of the judgement and sentencing hearing in this matter, all
10 material provided to defense counsel pursuant to this Order, and all other authorized copies, if
11 any, shall be returned to the United States. The United States shall destroy them. If Defendant
12 believes that he must maintain the material for any reason related to appeal, Defendant must seek
13 authorization from the District Court within five days of the sentencing and judgement in this
14 matter.

15 STIPULATED:

16
17 DATED:_____

JOHN PAUL REICHMUTH
Attorney for Defendant

19
20 DATED:_____

WADE M. RHYNE
Assistant United States Attorney

23 IT IS SO ORDERED that disclosure of the above-described discovery materials shall be
24 restricted as set forth above.

25
26 DATED:9/1/09


HON. SAUNDRA BROWN ARMSTRONG
United States District Court Judge